

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Petition for Declaratory Ruling To Clarify the)	
Applicability of the IntraMTA Rule to LEC-)	WC Docket No. 14-228
IXC Traffic and Confirm That Related IXC)	
Conduct Is Inconsistent with the)	
Communications Act of 1934, as Amended,)	
and the Commission's Implementing Rules)	
and Policies)	

Filed Electronically through ECFS

To: The Commission

COMMENTS OF MOULTRIE INDEPENDENT TELEPHONE COMPANY

1. Moultrie Independent Telephone Company ("MITCO") hereby submits these Comments in response to the *Petition for Declaratory Ruling of the LEC Petitioners* filed on November 10, 2014, as invited by the Commission's Public Notice, DA 14-1808, released December 10, 2014. Moultrie urges the Commission to recognize that the conduct by major carriers complained of by the Petitioners is one of many areas where costly burdens are often inappropriately shifted to small carriers that are the least able to absorb them. The Commission should make the burden of fixing such problems fall on the carriers whose behaviors create the problems.

2. MITCO is a small, rural, rate-of-return ("ROR") Incumbent Local Exchange Carrier ("LEC") serving 482¹ subscribers in Lovington, Illinois. It has been owned and managed by the same family for three generations. MITCO is not commonly controlled with any other LEC, although it does have affiliates that provide other services to the public in the Lovington area.

3. The problem of how to compensate rural ROR ILECs to which other carriers expect to be able to deliver their traffic for seamless re-delivery to the terminating number is an ongoing one. In

¹ As of November 30, 2014.

the situation raised by the LEC petitioners, carriers that deliver to or accept traffic from the LECs are taking advantage of the fact that rate schemes are different for different kinds of traffic. The carriers mix different kinds of traffic on the same trunks, decide how much they want to pay, and then engage in litigation or self-help, knowing that many of the LECs with whom they deal have limited resources to fight for compensation to which they are entitled.

4. In the case of mixed traffic that includes both traditional access traffic and intraMTA traffic that is exempt from access charges, the FCC should require companies seeking to avoid paying for traffic routed over access trunks at properly tariffed access rates to take it upon themselves to mark their traffic appropriately, so that the receiving carrier can independently identify the category. Alternatively, carriers can order direct trunks to the terminating ILEC to segregate traffic not subject to access charges, so that there will be no jurisdictional question.

5. The wrong approach is to require regulated ROR LECs to bear the costs of non-payment or self-help by their carrier-customers, or to require the LECs to develop solutions to fix problems arising from FCC mandates -- mandates which are unfunded. When the burden is placed on the ROR LEC to fix a problem it did not create, the inevitable result is that the ROR entity comes short of the mark on rate of return recovery.

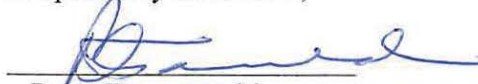
6. Solutions are available to assure small LECs of receiving compensation to which they are properly entitled, without imposing access charges on traffic to which those charges do not apply, but without burdening the parties who do not cause the problem and are least able to shoulder the burden. The FCC should keep these factors in mind when it rules on the Petition.

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Respectfully submitted,



Peter Tannenwald

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CERTIFICATE OF SERVICE

I, Evelyn M. Ojea, do hereby certify that I have, this 6th day of February, 2015, sent a copy of the foregoing "Comments of Moultrie Independent Telephone Co." by first class United States mail, postage prepaid, to the following:

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